

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

RONALD CRESTA, Individually and  
on Behalf of All Others Similarly  
Situated,

V.

ALLIQUA BIOMEDICAL, INC., *et al.*

CIVIL ACTION

NO. 1:18-cv-00301-VAC-CJB

**JOINT STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO RESPOND  
TO COMPLAINT**

Plaintiff Ronald Cresta and Defendants Alliqua BioMedical, Inc., David Johnson, Joseph M. Leone, Gary Restani, Jeffrey Sklar, and Mark Wagner (“Defendants”) by and through their respective counsel, having stipulated as follows, hereby respectfully move the Court for an Order extending certain deadlines. In support thereof, the parties state as follows:

WHEREAS, on February 22, 2018, Plaintiff filed a Class Action Complaint (the “Complaint”) asserting violations of Sections 14(a) and 20(a) of the Securities Exchange Act of 1934 (D.I. 1);

WHEREAS, on March 1, 2018, Plaintiff caused the Complaint to be served on one or more Defendants (D.I. 3-7), making one or more Defendants' response due on or before March 22, 2018;

WHEREAS, this action is governed by the provisions of the Private Securities Litigation Reform Act of 1995 (“PSLRA”), 15 U.S.C. § 78u-4 *et seq.* including the provisions for appointment of lead plaintiff,

WHEREAS, Plaintiff or any other court-appointed lead plaintiff may seek to file a consolidated or amended class action complaint superseding previously filed complaints, including the Plaintiff's Complaint;

WHEREAS the parties agree that efficiency for the Court and the parties in proceeding under the PSLRA dictates that responding to the current Complaint should be deferred in light of the foregoing.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the respective parties, subject to the approval of the Court, that:

1. Counsel for Defendants is authorized to, and hereby does, accept service of the Complaint and summons on behalf of any Defendants that have not been served, without prejudice and without waiver of any of defenses, objections or arguments, except as to sufficiency of service of process.

2. Defendants shall not be required to answer, move, or otherwise respond to the Complaint at this time.

3. After the appointment of a lead plaintiff pursuant to 15 U.S.C. § 78u-4(a)(3)(B), lead plaintiff and Defendants shall promptly meet and confer regarding a schedule for the filing of any consolidated or amended complaint or designation of an operative complaint, and for Defendants' response thereto.

4. The parties agree that this submission is made without waiver of any claims, defenses, or arguments that may be available to any party, including but not limited to all motions under Rule 12(b) and any challenges to the subject matter, personal jurisdiction, and/or the forum which may be asserted.

5. The parties have not requested any prior extensions of time and are not seeking an extension for purposes of delay.

IT IS SO STIPULATED.

Respectfully Submitted,

Dated: March 13, 2018

**COOCH AND TAYLOR, P.A.**

By: /s/ Blake A. Bennett

*Of Counsel:*

**MONTEVERDE & ASSOCIATES PC**

Juan E. Monteverde  
Miles D. Schreiner  
The Empire State Building  
350 Fifth Avenue, Suite 4405  
New York, NY 10118

Blake A. Bennett (#5133)  
The Brandywine Building  
1000 West Street, 10th Floor  
Wilmington, Delaware 19801  
Telephone: (302) 984-3800

*Attorneys for Plaintiff*

*Of Counsel:*

**HAYNES AND BOONE, LLP**

Daniel H. Gold  
2323 Victory Avenue  
Suite 700  
Dallas, TX 75219

Jonathan Pressment  
30 Rockefeller Plaza  
26th Floor  
New York, NY 10112

**RICHARDS, LAYTON & FINGER, PA**

By: /s/ Susan M. Hannigan

Susan M. Hannigan (#5342)  
One Rodney Square  
920 North King Street  
Wilmington, DE 19801  
Telephone: 302-651-7578

*Attorneys for Defendants*

SO ORDERED this \_\_\_\_ day of March, 2018.

\_\_\_\_\_  
Hon. Christopher J. Burke